

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
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DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming  
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates To:

*James Steele v. 3M Company, et al;* Case No.  
17-cv-01262

**DECLARATION OF ALFRED A. OLINDE, JR. IN SUPPORT OF PLAINTIFF'S  
RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

I, Alfred A. Olinde, Jr., declare, do solemnly swear under penalty of perjury, that:

1. I am an attorney at The Olinde Firm, LLC and Counsel for James Steele in the above-captioned matter.
2. I submit this affidavit in opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 23 [Dkt. 1354] filed on July 12, 2018.
3. Counsel worked to obtain medical records and billing records to move forward with the case. Those records indicated that a Bair Hugger device was used during the original surgery.
4. The Court issued Pre-Trial Order #23 on January 8, 2018.
5. Plaintiff's counsel's office attempted to contact all clients after issuance of this order.
6. James Steele died on January 23, 2018, see exhibit "1".
7. I have reviewed Mr. Steele's file and upon belief and information, although having no first-hand information, supply the following information in paragraphs 8-13 based upon my review of the file.
8. Attempts to reach Mr. Steele by phone occurred January 23, 2018 (the date of his death), February 2, 2018 and March 23, 2018. A message was left on January 23, 2018 and February 2, 2018 but there was a busy signal on March 23, 2018.
9. Plaintiff's counsel wrote Mr. Steele a "contact us" letter on April 4, 2018, stating the counsel had been trying to reach him for "several weeks", see exhibit "two".

10. Another follow up phone call was made on April 13, 2018 with no success.
11. At some point between April 13, 2018 and April 27, 2018, Plaintiff's counsel was contacted by the Steele family and learned of Mr. Steele's death.
12. On April 27, 2018, Plaintiff's counsel wrote to Mr. Steele's son and daughter regarding the urgency of producing Mr. Steele's death certificate and any estate documents, see exhibit "three".
13. Mr. Steele's death certificate was received on May 8, 2018, see exhibit "four".
14. A suggestion of death was filed on May 9, 2018.

Respectfully submitted,

Dated: July 13, 2018

By: s/Alfred A Olinde, Jr.  
Alfred A. Olinde, Jr., La. Bar # 20061  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 13, 2018 a copy of the above and foregoing *Declaration of Alfred A. Olinde, Jr. in Support of Plaintiff's Response to Defendants' Motion to Dismiss* has been served on all parties or their attorneys via Minnesota ECF filing system, which will send notice of electronic filing in accordance with the procedures established in MDL 15-2666.

/s/ Alfred A Olinde, Jr.